

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-20 are currently pending. In the outstanding Office Action, Claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7 of Kubica (U.S. Patent No. 6,669,139).

In response to the rejection of Claims 1-20 under the judicially created doctrine of double patenting, Applicant herewith files a terminal disclaimer in compliance with 37 C.F.R. § 1.321 thereby removing any issue of the double patenting with respect to Claims 1-20. For the record, Applicant notes that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”¹ Applicant also traverses, for the record, the assertion of the Office Action that “the present claims are obviously included in the scope of the previously patented claims and is the obvious method of operating the aircraft controls of U.S. Patent No. 6669139.”

The attached IDS merely lists references already cited in the parent application no. 10/336,730, now U.S. Patent No. 6,669,139, so that these references may be listed on the front page of the patent issued from the present application.

Consequently, in view of the present response, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-20 is earnestly solicited.

¹ Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 874, 20 USPQ2d 1392, 1394-5 (Fed. Cir. 1991).

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Reply to Office Action of March 9, 2005

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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